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REMARKS/ARGUMENTS

Claims 2-20 and 22-24 are pending in this application. By this Amendment, Applicants AMEND claims 2-8 and CANCEL claims 1 and 21 and ADD claims 23 and 24.

Applicants greatly appreciate the Examiner's indication that claims 5, 6, 10, 14, 15, and 17-20 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Applicants have rewritten claim 5 in independent form to include all the features of base claim 1. Applicants have amended claims 2-4 and 6-8 to depend on claim 5. Applicants have added claim 23 which corresponds to a combination of claim 6 and claim 1.

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Claim 21 has been canceled. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 21 under 35 U.S.C. § 112, second paragraph.

Claims 1-3 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ueda et al. (U.S. 5,963,114). Claims 9, 12, and 22 were rejected under 35 U.S.C. § 102(b) and 102(e) as being anticipated by Strauss et al. (WO 98/12809 and U.S. 6,081,172). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over either Strauss et al. (WO 98/12809 or U.S. 6,081,172) taken alone. Claims 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ueda et al. (U.S. 5,963,114) in view of Bauer et al. (WO 00/25423 or U.S. 6,420,946). Claims 13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Strauss et al. (WO 98/12809 or U.S. 6,081,172) in view of Bauer et al. (WO 00/25423 or U.S. 6,420,946). Applicants have canceled claim 1. Applicants respectfully traverse the rejections of claims 2-4, 7-9, 11-13, 16, and 22.

As noted above, Applicants have rewritten claim 5 in independent form to include all the features of base claim 1. Applicants have amended claims 2-4 and 6-8 to

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depend on claim 5.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 3 and 8 under 35 U.S.C. § 102(b) as being anticipated by Ueda et al. and the rejection of claims 4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Ueda et al. in view of Bauer et al. (WO 00/25423 or U.S. 6,420,946).

Claim 9 recites:

"A longitudinally coupled resonator type surface acoustic wave filter having a balance-unbalance conversion function, the filter comprising:

first-stage and second-stage longitudinally coupled resonator type surface acoustic wave filters longitudinally coupled to each other, each of the first-stage longitudinally coupled resonator type surface acoustic wave filter and the second-stage longitudinally coupled resonator type surface acoustic wave filter including a piezoelectric substrate and first, second and third IDTs arranged on the piezoelectric substrate in a surface acoustic wave propagating direction, said second-stage longitudinally coupled resonator type surface acoustic wave filter including two opposed bus bars and electrode fingers extending in a longitudinally direction of the electrode fingers from each of said two opposed bus bars and being interdigitated with each other;

an unbalanced signal terminal connected to one end of the second IDT of the first-stage longitudinally coupled resonator type surface acoustic wave filter;

a first balanced signal terminal connected to one of said two opposed bus bars of the second IDT of the second-stage longitudinally coupled resonator type surface acoustic wave filter;

a second balanced signal terminal connected to the other of said two opposed bus bars of the second IDT of the second-stage longitudinally coupled resonator type surface acoustic wave filter;

a first signal line connecting one end of the first IDT of the first-stage longitudinally coupled resonator type surface acoustic wave filter and one end of the first IDT of the second-stage longitudinally coupled resonator type surface acoustic wave filter; and

a second signal line connecting one end of the third IDT of the first-stage longitudinally coupled resonator type surface acoustic wave filter and one end of the third IDT of the second-stage longitudinally coupled resonator type surface acoustic wave filter;

wherein an electric signal propagating through the first signal line is 180° out of phase with an electric signal propagating through

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the second signal line.” (emphasis added)

Applicants’ claim 9 recites the feature of “an electric signal propagating through the first signal line is 180° out of phase with an electric signal propagating through the second signal line.” With the improved features of claim 9, Applicants have been able to provide a longitudinally coupled resonator type surface acoustic wave filter having a balance-unbalance conversion function with greatly improved amplitude balance and phase balance (see, for example, the first full paragraph on page 4 of the originally filed Specification).

The Examiner has alleged in the paragraph bridging pages 4 and 5 of the outstanding Office Action that “Strauss et al. discloses the filter to have first and second stage filters each with three IDTs, wherein a first filter has the structure of Fig. 3 with outer IDTs connected in series and a second filter has the structure of, for example, the lower filter in Fig. 2 with its outer IDTs connected in parallel (see col. 2, Ins. 62-67).”

Lines 62-67 of column 2 of Strauss et al. are directed to Fig. 4 and clearly indicate that the lower filter of Fig. 4 is the same the same as the filter of Fig. 3. Neither lines 62-67 of column 2 of Strauss et al. nor any other portion of Strauss et al. teach or suggest that the filter of Fig. 3 could or should be used with the lower filter of Fig. 2 as alleged by the Examiner.

The Examiner is reminded that to anticipate a claim, a reference must not only teach every limitation of the claims but must also teach that the elements are arranged as required by the claim. See Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) and MPEP § 2131. The Examiner has clearly mixed different embodiments of Strauss et al. (and more particularly, a prior art embodiment with an embodiment of the invention of Strauss et al.) to allegedly teach each and every feature recited in the present claimed invention. That is, Strauss et al. clearly fails to show in any one embodiment the claimed arrangement of both the features of as recited in Applicant’s claim 9.

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Thus, contrary to the Examiner's allegation, Strauss et al. fails to teach or suggest the feature of "an electric signal propagating through the first signal line is 180° out of phase with an electric signal propagating through the second signal line" as recited in Applicants' claim 9.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 9 under 35 U.S.C. § 102(b) and 102(e) as being anticipated by Strauss et al. (WO98/12809 and U.S. 6,081,172).

Accordingly, Applicants respectfully submit that none of the prior art of record, applied alone or in combination, teaches or suggests the unique combination and arrangement of elements recited in claim 9 of the present application. Claims 10-20 and 22 depend upon claim 9 and are therefore allowable for at least the reasons that claim 9 is allowable. The Examiner has indicated that claim 5 is allowable. Claims 2-4 and 6-8 depend upon claim 5 and are therefore allowable for at least the reasons that claim 5 is allowable. As noted above, claim 23 recites the features of claim 6 and base claim 1 which the Examiner has indicated as allowable. Claim 24 depends upon claim 23 and are therefore allowable for at least the reasons that claim 23 is allowable.

In view of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicants petition the Commissioner for a THREE-month extension of time, extending to November 22, 2003, the period for response to the Office Action dated May 22, 2003.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,



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